

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MARK WOODARD,

ORDER

Plaintiff,

v.

09-cv-776-wmc

U.S. TREASURY,

Defendant.

On April 12, 2010, this court entered an order advising plaintiff that it was his responsibility to serve his complaint on defendant and file proof of service as soon as he had it. The court noted that although Fed. R. Civ. P. 4(m) allows a plaintiff 120 days after filing a complaint in which to serve the defendant, the 120-day deadline is the outside limit. In addition, the court advised plaintiff that if he acted diligently, he should be able to serve his complaint on defendant and file proof of service by June 14, 2010. Following entry of the April 12 order, the clerk's office issued summonses and forwarded to plaintiff with his copy of the order the issued summonses and a memorandum on service.

To date, plaintiff has not filed proof of service of his complaint on the defendant or explained his failure to do so. Although the outside deadline for serving the complaint does not occur until August 10, 2010, there is no point in maintaining this action as an open case if plaintiff has abandoned prosecution of it.

ORDER

IT IS ORDERED that plaintiff may have until July 9, 2010, in which advise the court in writing what steps he has taken to serve his complaint on the defendant. If, by July 9, 2010, plaintiff fails to respond to this order, the clerk of court is to enter judgment dismissing this action without prejudice for plaintiff's failure to prosecute.

Entered this 30th day of June, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge